



## State of New Hampshire

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

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MASCENIC REGIONAL SCHOOL DISTRICT:

Complainant

v.

MASCENIC EDUCATION ASSOCIATION/  
NEA-NEW HAMPSHIRE

Respondent

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CASE NO. T-0341:6

DECISION NO. 93-146

### MOTION TO STAY ARBITRATION

The Board, meeting at its offices in Concord, New Hampshire, on November 9, 1993, took the following actions:

1. It reviewed both the unfair labor practice (ULP) complaint filed by the District on September 28, 1993, and the answer thereto filed by the Association on October 14, 1993.
2. It examined the District's Motion for Stay of Arbitration filed November 5, 1993 and noted the representation that both an arbitrator and arbitration date have been designated through the American Arbitration Association.
3. It noted that the contract is still in force through June 30, 1994 and contains a grievance procedure which defines a grievance as "a loss or injury because of a violation of...this agreement." Moreover, the pending case involves matters both of arbitrability (as to extra-curricular duties versus full-time teaching duties) and on the merits as to whether the grievant had sustained a "loss" under the contract.
4. It determined that these circumstances are appropriate for the case to be heard jurisdictionally, on arbitrability, and on the merits by an arbitrator and directed that the pending Motion for Stay of Arbitration be DENIED. The parties are directed

to notify the PELRB within thirty (30) days of the date of the arbitrator's decision in this matter if either or both of them seek further actions before this agency. If no such notification is received within that thirty days, this case shall then be dismissed from the PELRB's active docket of cases.

So ordered.

Signed this 19th day of NOVEMBER, 1993.

  
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JACK BUCKLEY  
Alternate Chairman

By unanimous vote. Chairman Jack Buckley presiding. Members E. Vincent Hall and Richard W. Roulx present and voting.